HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 6th June, 2006
Bail Application No. 460 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Karambeer Singh
S/o Khasa Ram
R/o Khar Khari Nai Basti, Bheem Goda
Police Station – Kotwali Haridwar
Tehsil and District-Haridwar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

In Case Crime No. 42 of 2006
U/s 376, 506 I.P.C.
Police Station Kotwali Haridwar
District – Haridwar

Hon'ble J.C.S.Rawat,J.

Heard Sri Parikshit Saini-learned counsel for the applicant, learned AGA for the State and perused the record.

It was contended that the victim was a consenting party to the sexual intercourse. As per the statement recorded u/s 161 Cr.P.C., the age of the girl has been stated as 17 years. The medical report reveals that the victim is above 16 years of age. It was further contended that the victim had love affair with the accused- applicant. It was further contended that rape was committed inside the room and outside the room brother and sister of the victim were present. The statement recorded u/s 164 Cr.P.C. reveals that the victim came out with her clothes and the matter had not been reported by her brother to their parents. It was further contended that when the victim was taken inside the room, she would have naturally made hue and cry and the children available on the order room would have narrated this incident to their parents. But no such hue and cry was made by the victim.

Considering the facts and circumstance of the case in totality, it is a fit case for bail at this stage.

Let the accused- applicant, Karambeer Singh be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(J.C.S.Rawat,J.)

Dated 06.06.2006
Shiv